

Entered - 6-11-01 - sb
CL 01L0363 - GWENDOLYN BURNS

CLAIM OF: **ABBY GREEN**
3083 Chastain Park Court
Atlanta, Georgia 30342

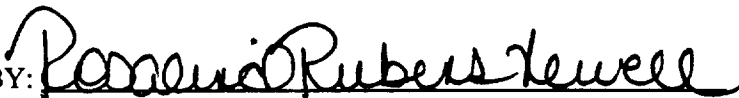
01-*R*-1329

For vehicular damages alleged to have been sustained as a result of driving over an exposed sanitary sewer manhole that was under construction on May 16, 2001 at 3733 Peachtree Road, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ABBY GREEN** the sum of **\$621.10** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of driving over an exposed sanitary sewer manhole that was under construction on May 16, 2001 at 3733 Peachtree Road, NE. as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0363

Date: August 29, 2001

Claimant /Victim ABBY GREEN
BY: (Atty) (Ins. Co.) _____
Address: 3083 Chastain Park Court, Atlanta, Georgia 30342
Subrogation: _____ Claim for Property damage: \$ 621.10 Bodily Injury \$ _____
Date of Notice: 6/6/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) X
Date of Occurrence 5/16/01 Place: 3733 Peachtree Road, NE
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained vehicular damage when he drove over an exposed sanitary sewer manhole that was under construction. An investigation determined that the City was in the process of raising the manhole to the street level.

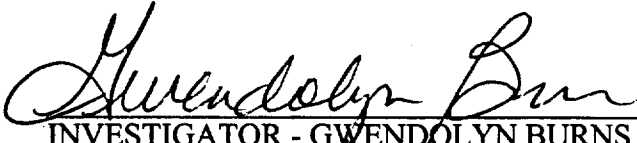
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

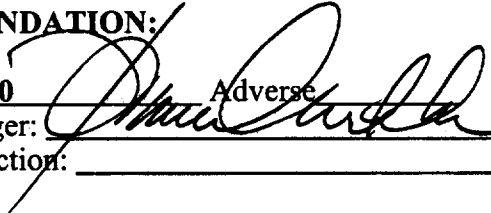
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 621.10 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 08-30-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

JUN 06 2001

RE: CLAIM FOR DAMAGES

Today's Date: 5/27/01

BURNS
06/11/01

Dear Municipal Clerk:

MUNICIPAL CLERK

ENTERED - 06-11-01 - DP
01L0363 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 621.10 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 5/10/01 (month/day/year) 2. Time of Incident: 9:30 pm 3. Police called: X Yes No

4. Location of incident (including street address): 3733 Peachtree Rd NE, Atlanta

5. Name of your insurance company: Progressive Policy No. 411866006-0

6. State what and how incident occurred: I was driving North on Peachtree and ran over a man hole that was filled with loose gravel and very deep. There were no warnings and most of the gravel had ~~been~~ come out.

This resulted in both right side tires and rims being blown out. Had to have the car towed & repaired immediately.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: VW cabrio (Make) 99 (Year) 4HHZ072 (CA) (Tag Number) Abby Green (Driver's Name)

City vehicle: _____ (Make) _____ (City Driver's Name) _____ (Department/Bureau)

9. Witness: MARK GREEN (Name) 3083 Chastain Park Court (Address) 404-257-0521 (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Abby Green
Signature of Claimant

Abby Green
(Print Claimant's Name)

3083 Chastain Park Court
(Address)

Atlanta GA 30342
(City, State and Zip Code)

404-257-0521 (Work Number) 404-257-0521 (Home Number)

* Please see police report & photos for more information.

* Please send check directly to me (I paid out of pocket).

Thank you!